HIGH COURT OF UTTARANCHAL AT- NAINITAL.

Writ Petition No. 740(S/S)2004

Chandan Singh S/o Dhyan Singh,
Presently posted as Assistant Teacher,
In Govt. Inter College, Majri Grant,
Dehradun. ….Petitioner.

Vs.

State of Uttaranchal through
Director of Education, Uttaranchal,
And two others. ….Respondents.

Sri H.M. Raturi, learned counsel for the petitioner,
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri H.M. Raturi, learned Counsel for the petitioner and learned Standing Counsel who has accepted notices on behalf of the respondents.

The petitioner who is working as Assistant Teacher L.T. Grade (Social Science) in Govt. Inter College, Majri Grant, Dehradun has challenged the transfer order dated 02.07.2004 passed by Principal, Govt. Inter College, Majri Grant, Dehradun whereby the petitioner is directed to hand over the charge to Sri Omkar Singh Saini on account of his transfer to Govt. Higher Secondary School, Malyakheti, Tehri Garhwal.

Contention of the petitioner is that the petitioner was transferred from Govt. Higher Secondary School Joshiyar to Govt. Inter College, Majri Grant, Dehradun in the year 2002 and within the span of two years' he has again been transferred from the present Institution to Malyakhet, Tehri Garhwal. In para-6 of the writ petition, the petitioner has submitted that the transfer order is not in pursuance to the transfer policy, according to which the persons who have stayed for more than five years in an Institution shall be transferred from convenient place to less convenient place. The petitioner has hardly completed two years in the Institution in spite of this he has again been transferred. The petitioner has further submitted that there are teachers in the Institution who have stayed long for more than 15 years for the same subjects, yet they have not been transferred. The petitioner has also submitted that

he has yet not received the transfer order, however vide order dated 02.07.2004 the Principal of the College has directed him to hand over the charge. In the said letter dated 2.7.2004 it is also mentioned that the petitioner has been transferred vide order passed by Addl. Director of Education, Garhwal Mandal, Pauri Garhwal, whereas the competent authority for the purpose is the Joint Director of Education.

In the aforesaid circumstances, I direct the petitioner to move representation before the Addl. Director of Education within one week from today and the Additional Director of Education, Garhwal Mandal, Pauri shall decide the representation, so moved, by a speaking order within tree weeks from the date of receipt of the representation. Till the disposal of the representation, the impugned transfer order dated 02.07.2004 shall be kept in abeyance.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

July 6, 2004:
NCM: